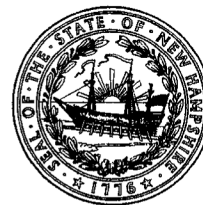




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Terry A. and Irene T. Martell
456 Brackett Road
Sanbornville, NH 03872

LICENSE ACTION
No. 04-001

Re: CA2003053414

Revocation of Approval

1. A Notice of Proposed License Action was issued by the Department of Environmental Services, Water Division ("DES") to Terry and Irene Martell, pursuant to RSA 541-A:30, II, on January 12, 2004. DES proposed to revoke subsurface sewerage system construction approval CA2003053414, issued to Terry and Irene Martell on June 17, 2003, for property located on Brackett Road, Wakefield, New Hampshire, more specifically identified on Town of Wakefield Tax Map 20 as Lot 38, by quit claim deed dated November 14, 1997, recorded in the Carroll County Registry of Deeds at Book 1723, Page 827.
2. At the time of submission of the application, the Martells reasonably believed that the right of way which they hold over abutting property entitled them to place a septic line within their right of way. It was only after a trial in the Carroll County Superior Court that the decision was rendered that the right of way did not include the right to run a septic pipe. Based on the Court's decision, the Martells do not intend to use the permit and agree that it should be revoked.
3. Terry and Irene Martell have voluntarily waived their right to a hearing, per the Notice of Appearance and Waiver of Hearing filed by them, through counsel, dated March 24, 2005. The Martells waived the hearing with notice that DES has cause to revoke the approval.
4. Pursuant to RSA 541-A:30 and N.H. Admin. Rule Env-Ws 1004.19, subsurface sewerage system construction approval CA2003053414, issued to Terry and Irene Martell on June 17, 2003, is hereby revoked. Because no construction under this approval has occurred, no remedial action is required.

COPY
Harry T. Stewart, P.E., Director
DES Water Division

Date March 31, 2005

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Certified Mail # _____

cc: Board of Selectmen, Town of Wakefield
Kerry D. Barnsley, DES Compliance Attorney
Richard J. de Seve, DES Water Division
George W. Walker, Esq.
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